

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:24-CV-20546-WILLIAMS/GOODMAN

WINSTON MARACALLO,

Plaintiff,

vs.

CUSANO AIR CONDITIONING  
& HEATING, INC. AND JOHN E.  
CUSANO,

Defendants.

\_\_\_\_\_ /

**PLAINTIFF'S STATEMENT OF CLAIM**

Plaintiff, Winston Maracallo, pursuant to the Court's Order entered on February 20, 2024 [ECF No. 7], files this Statement of Claim based on the information known to Plaintiff and estimates as follows:

***Preliminary Statement***

This Statement of Claim is not to be construed as a demand, nor as an exact quantification of her damages, but merely as a case management tool required by the Court. *See Calderon v. Baker Concrete Const., Inc.*, 771 F.3d 807, 811 (11<sup>th</sup> Cir. 2014) ("That document is an extra-Rules practice used by the district court for its convenience and to aid in case management. It does not have the status of a pleading and it is not an amendment under Rule 15 of the Federal Rules of Civil Procedure.")

***Information Requested by the Court***

1. Plaintiff does not have all of the time and pay records from his employment at this time, and so he must estimate the hours that worked, the pay that received for those hours, and the corresponding wages due.

2. Plaintiff prepared this Statement of Claim with the assistance of counsel.

3. In total, Plaintiff estimates that he is owed **\$5,282.20** in unpaid regular and overtime wages.

4. Plaintiff estimates that he is owed **\$3,589.60** in unpaid regular wages, and **\$1,692.60** in unpaid overtime wages.

5. Plaintiff calculated the amount he estimated in the spreadsheet filed herewith as **Exhibit "A."**

6. Plaintiff claims that he is owed wages for work performed between February 8, 2023 and March 28, 2023.

7. Plaintiff also seeks liquidated damages in an amount equal to the above unpaid wages, plus reasonable attorneys' fees and costs pursuant to the FLSA.

8. Plaintiff's Statement of Claim is based upon the information currently known and/or available.

9. Plaintiff reserves the right to amend this Statement of Claim based upon additional information provided by Defendants, through discovery, and/or as additional/different information becomes known.

10. This Statement of Claim does not include any computation of for damages other than those sought in the operative/pending Complaint and is subject to revision through the course of discovery and/or the amendment of the Complaint.

11. **Attorneys' Fees and Costs.** As of the filing of this document, Plaintiff has incurred the following attorneys' fees and costs:

Costs:	<b><u>\$ 405.00</u></b>
--------	-------------------------

Attorneys' Fees:	<b><u>\$3,680.80</u></b>
------------------	--------------------------

Brian H. Pollock, Esq. (\$500.00/hour x 2.5 hours)	<u>\$1,250.00</u>
--	-------------------

Luna Alvey, Esq. (\$400.00/hour x 0.9 hours)	<u>\$ 360.00</u>
--	------------------

P. Brooks LaRou, Esq. (\$325.00/hour x 3.95 hours)	<u>\$1,283.75</u>
--	-------------------

Steffany Sanguino (\$165.00/hour x 4.77 hours)	<u>\$ 787.05</u>
--	------------------

<b>Grand Total:</b>	<b><u>\$4,085.80</u></b>
---------------------	--------------------------

The foregoing amounts are subject to increase commensurate with the expenditure of additional time, effort, and expense in this matter.

Respectfully submitted this 1st day of March 2024.

/s/ Patrick Brooks LaRou  
Patrick Brooks LaRou, Esq.  
Florida Bar No. 1039018  
Email: brooks@fairlawattorney.com  
FAIRLAW FIRM  
135 San Lorenzo Avenue, Suite 770  
Coral Gables, Florida 33146  
Telephone: (305) 230-4884  
*Counsel for Plaintiff*